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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,244

09/23/2005

Mauro Fagnani

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6478

23334

7590

04/06/2006

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EXAMINER

LAXTON, GARY L

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/523,244

Applicant(s)

FAGNANI ET AL.

Examiner

Gary L. Laxton

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13-15, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Inventorship***

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Drawings***

3. Figures 1 & 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Replacement drawings labeling the figures "prior art", as indicated in the communication filed 1/19/2005, have not been received.

### ***Claim Objections***

4. Claims 11-20 are objected to because of the following informalities:

Claims 11-20; the examiner objects to the applicant's use of "Bootstrap". First of all, the specification is silent regarding the invention having a bootstrap circuit. In fact, the specification refers to the invention as start circuit. Secondly, a bootstrap circuit carries a different meaning in the art than what the applicant is attempting to use it as.

Claims 11, 19 and 20; all three independent claims recite the phrase "a second supply voltage coming from a second a terminal and a third terminal." Does the applicant mean that the second voltage comes from both the second terminal and the third terminal? Or, does the applicant mean that the second voltage comes from the second terminal and then there also is a third terminal that the applicant is introducing? The examiner assumes that the second voltage comes only from the second terminal and not from the third. Claims 12-18 inherit the same from claim 11.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 11, 12, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Faulk (US 5,841,641).

Faulk discloses a start circuit providing a Vcc voltage to a controller comprising a first supply voltage (270, 272) coming from a first terminal (278); a second supply voltage (VCC, 142) coming from a second terminal (241, +VCC); and, a third terminal (ground); a first current path between the first terminal and the third terminal; a second current path between the first terminal and the second terminal; a third current path between the second terminal and the third terminal; and a two-way voltage regulator placed along the second current path. the two-way voltage regulator comprises a voltage limiting circuit supplied by the first supply voltage. the first current path comprises a resistance.

7. Claims 11, 12, 16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Admitted Prior Art figure 2 (APA).

APA figure 2 discloses a start circuit providing a Vcc voltage to a controller comprising a first supply voltage (R2, Dz1) coming from a first terminal (node R2, Dz1); a second supply voltage (Vcc) coming from a second terminal (Vcc); and, a third terminal (ground); a first current path between the first terminal and the third terminal (R2 to ground through Dz1); a second current path between the first terminal and the second terminal (R2 through M2 and 21); a third current path between the second terminal and the third terminal (Vcc to ground through Cvcc); and a two-way voltage regulator placed along the second current path (M2). The two-way voltage regulator comprises a voltage limiting circuit (transistor M2) supplied by the first supply voltage (R2, Dz1). The first current path comprises a resistance (R2).

***Allowable Subject Matter***

8. Claims 13-15, 17 and 18 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Claims 13-15; prior art fails to disclose, inter alia, the voltage regulator comprises a transistor having the drain coupled to the second terminal and the source coupled to the first and to the third terminal.

Claims 17 and 18; prior art fails to disclose, inter alia, wherein the first current path comprises a controlled switch.


**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,973,942 Nelson et al disclose a start up circuit for a DC power instrument; US 5,909,363 Yoon discloses an initial drive voltage supply circuit.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Laxton whose telephone number is (571) 272-2079. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on (571) 272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Laxton  
Primary Examiner  
Art Unit 2838

4/03/2006